

Application No. 10-095117
Amended December 15, 2004
Reply to Office Action of September 15, 2004

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REMARKS/ARGUMENTS

In this response, claims 2-9, 12, and 14-17 have been amended. In addition, claims 1, 10, 13, and 18-20 have been cancelled. Original claim 11 remains unchanged. Therefore, claims 2-9, 11, 12 and 14-17 remain pending in this application after entry of the present amendments.

Claim objections

In the Office Action, the Examiner objected to claim 12 because the numeral 12 is not needed. Furthermore, Examiner objected to claim 15 based on the lack of antecedent basis for the expression "the shelf members."

Applicant has amended claims 12 and 15, to correct the typographical error in claim 12, and the antecedent basis in claim 15. No new matter has been added to the application in making the amendments. The objections to claims 12 and 15 should therefore be withdrawn.

Allowable Subject Matter

The Examiner objected to the claims 2, 10, 12, and 14 as being dependent upon a rejected base claim. The Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Applicant has now amended claims 2 and 14 substantially as suggested by the Examiner. As well, Applicant has amended claims previously dependent from claim 1, to now reflect dependency to amended claim 2. Claim 10 has been cancelled. No new matter has been added to the application in making the amendments.

Claim rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, 13, 15, and 16 under 35 U.S.C. § 102(b), as unpatentable over the U.S. Patent No. 6,128,880 to Meenan, Jr. (hereinafter Meenan, Jr.). The Meenan, Jr. reference describes a decking system comprising a shelf beam seen as a clamp having a side panel seen as a locking segment, a shelf member seen as a mounting section, a support post, seen as a joist, a decking unit seen as planks of load-bearing member, and fasteners (column 5, lines 57-67, column 6, lines 1-20, 53-59).

In response, Applicant has cancelled claims 1 and 13. Applicant has amended claim 2 by rewriting it in independent form, including all of the limitations of the base claim, as suggested by the Examiner. Claim 3 is amended to depend from claim 2 which now recites patentable subject matter; claim 3 should now also be allowable.

Claim 15, as amended, provides a method of constructing a pier system, by erecting a first pier frame by coupling at least two shelf beams to at least two support posts, positioning a sleeve axially slidable onto each support post, which is attached to the respective support post, and to which is attached the respective shelf beam, and positioning a first decking unit upon the first pier frame, whereby the first decking unit rests upon the at least a shelf members of the beams. Therefore, not every element of the

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claimed invention is described nor suggested in the Meenan, Jr. reference, particularly the sleeve axially slidable onto each support post. As claim 15 now recites patentable subject matter, claim 16 dependent therefrom should also be allowable.

In view of the above amendments and arguments, Applicants therefore request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) to claims 3, 15, and 16, which remain pending after entry of the present amendments.

Claim rejections under 35 U.S.C. § 103

Claims 4-6 were rejected based on the disclosure of Meenan, Jr. (U.S. Patent No. 6,128,880). Because claims 4-6 are dependent on amended claim 2, all limitations of independent claim 2 are included in claims 4-6. As claim 2 now recites patentable subject matter, claims 4-6 dependent therefrom should be allowable. This rejection should be withdrawn, because the Meenan, Jr. reference does not disclose nor suggest the subject matter recited in claims 4-6.

Claim 7 was rejected based on the disclosure of Le Tourneau (U.S. Patent No. 3,011,467) in view of Meenan, Jr. Because claim 7 is dependent on amended claim 2, all limitations of independent claim 2 are incorporated in claim 7. As claim 2 now recites patentable subject matter, claim 7 dependent therefrom should be allowable. This rejection should be withdrawn, because the combination of the Le Tourneau and Meenan, Jr. references does not show nor suggest the subject matter recited in claim 7.

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Claim 8 was rejected based on the disclosure of Bryan (U.S. Patent No. 5,361,554) in view of Meenan, Jr. Because claim 8 is dependent on claim 2, all limitations of independent claim 2 are incorporated in it. As claim 2 now recites patentable subject matter, claim 8 dependent therefrom should be allowable. This rejection should be withdrawn, because the combination of the Bryan and Meenan, Jr. references does not show nor suggest the subject matter recited in claim 8.

Claims 9 and 11 were rejected based on the disclosure of Rooney (U.S. Patent No. 4,282,619) in view of Meenan, Jr. Because claims 9 and 11 are dependent on claim 2, all limitations of independent claim 2 are incorporated in them. As claim 2 now recites patentable subject matter, claims 9 and 11 dependent therefrom should be allowable. This rejection should be withdrawn, because the combination of the Rooney and Meenan, Jr. references does not show nor suggest the subject matter recited in claims 9 and 11.

Claim 17 was rejected based on the disclosure of Listle (U.S. Patent No. 6,520,106) in view of Meenan, Jr. Because claim 17 is now dependent on amended claim 15, all limitations of independent claim 15 are incorporated in it, including positioning a sleeve axially slidable onto each support post, the sleeve being attached to the respective support post, and to which sleeve is attached the respective shelf beam. As claim 15 now recites subject not shown nor suggested by the combination of the Listle and Meenan, Jr. references, the rejection to claim 17 should be withdrawn.

Claims 18-20 were rejected based on the disclosure of Rooney (U.S. Patent No. 4,282,619) in view of Meenan, Jr. In response, Applicant has cancelled claims 18-20.

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CONCLUSION

The Applicant believes that this application is now in condition for allowance and respectfully requests that the claim rejections under 35 U.S.C. §§ 102, 103 be withdrawn. In view of the amendments and arguments presented herein, Applicant respectfully requests re-consideration of the pending claims and a notice of allowance to timely follow. Applicant encourages the Examiner to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Commissioner is authorized to charge any additional fees or underpayment of fees regarding this response, including extensions for reply, to Deposit Account 07-1509.

Respectfully submitted,

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